



Financial Services Regulatory
Authority of Ontario



Ontario



Autorité ontarienne de réglementation
des services financiers

www.fsrao.ca

25 Sheppard Avenue West
Suite 100
Toronto ON
M2N 6S6

Telephone: 416 250 7250
Toll free: 1 800 668 0128

25, avenue Sheppard Ouest
Bureau 100
Toronto (Ontario)
M2N 6S6

Téléphone : 416 250 7250
Sans frais : 1 800 668 0128

VIA E-MAIL

February 8, 2023

Attn: Keri McFarling, Controller
Shipp Corporation Ltd.
305-3044 Bloor Street W.
Toronto, ON M8X 2Y8

kmcfarling@shipp.on.ca

and

Attn: Jordan Fremont
Bennett Jones LLP
3400 One First Canadian Place
Toronto, ON M5X 1A4

FremontJ@bennettjones.com

**Re: Shipp Corporation Limited Executive Pension Plan
Registration Number 0343137**

Enclosed, please find the Notice of Intended Decision with respect to the above noted pension plan.

Yours truly,

Mitzi D'Souza
Administrative Assistant, Pensions

Enclosure

C: Jane Zhao, Financial Services Regulatory Authority of Ontario

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “Act”), subsections 78(1) and 79(3);

AND IN THE MATTER OF the Shipp Corporation Limited Executive Pension Plan, Registration Number 0343137 (the “Plan”).

NOTICE OF INTENDED DECISION

TO: Shipp Corporation Limited
305-3044 Bloor Street W
Toronto, ON M8X 2Y8

Attention: Keri McFarling
Controller

Employer and Applicant

AND TO: Jordan Fremont
Bennett Jones LLP
3400 One First Canadian Place, PO Box 130
Toronto, ON M5X 1A4

Legal Counsel for the Applicant

TAKE NOTICE THAT pursuant to subsection 78(1) of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Senior Manager, Special Transactions and Advisory Services, intends to make an order to consent to the payment of surplus in respect of the Plan to Shipp Corporation Limited in the amount of \$347,183 as at January 1, 2021 plus investment earnings and adjusted for expenses to the actual date of payment . Details of this intended decision are described below.

SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS, veuillez nous envoyer votre demande par courriel immédiatement à: contactcentre@fsrao.ca.

YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SECTION 89(6) OF THE ACT. A hearing before the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal
25 Sheppard Avenue West
Suite 100
Toronto ON M2N 6S6

Attention: Registrar

Fax: (416) 226-7750

Email: contact@fstontario.ca

TAKE NOTICE THAT if no written request for a hearing is delivered to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you, an order will be issued as described in this Notice of Intended Decision.

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at www.fstontario.ca.

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings Before the Financial Services Tribunal* ("Rules") made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended. The Rules are available at the website of the Tribunal: www.fstontario.ca. Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at (416) 590-7294, or toll free at 1-800-668-0128 extension 7294.

REASONS FOR INTENDED DECISION

1. Shipp Corporation Limited is the employer as defined in the Plan (the "Employer")
2. The Plan was wound up effective November 15, 2020.
3. The only person with entitlement to pension benefits under the Plan as of the date of wind up, passed away on November 16, 2020.
4. The Employer's application ("Application") discloses that a Surplus Sharing Agreement has been made between:
 - a) the estate of the only person with entitlement to pension benefits under the Plan as of the date of wind up (the "Affected Person"); and
 - b) the Employer.

5. As indicated on the Application, the total surplus assets available for distribution as at January 1, 2021, is \$382,183. It is to be distributed as follows:
 - a) \$35,000 to the Affected Person; and
 - b) \$382,183 adjusted for investment earnings and expenses and reduced by the \$35,000 above, to the Employer.
6. The Employer has applied pursuant to paragraph 77.11(7)2, section 78 and subsection 79(3) of the Act for consent to the payment of remaining amount of the surplus as indicated above to be distributed to the Employer from the Plan, adjusted for investment earnings and expenses to the actual date of payment.
7. The Application appears to comply with paragraph 77.11(7)2, section 78, subsection 79(3) and all other applicable requirements under the Act and Regulation 909, R.R.O. 1990, as amended.
8. Such further and other reasons as may come to my attention.

DATED at Toronto, Ontario, February 8, 2023.



Tim Thomson
Senior Manager, Special Transactions and Advisory Services

By delegated authority from the Chief Executive Officer